

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

WHOLE WOMEN'S HEALTH, et al.,

§

Plaintiffs,

§

v.

1:21-CV-616-RP

JUDGE AUSTIN REEVE JACKSON, et. al.,

§

Defendants.

§

SCHEDULING ORDER

On August 4, 2021, the Court held a status conference with the parties in this case to establish a briefing scheduling on the pending motions before the Court, and Defendants' impending motions to dismiss. (Dkt. 46).

At the conference, Plaintiffs reiterated their need for expedited consideration of their pending motions given that S.B. 8 will take effect September 1, 2021. Defendants expressed their belief that the Court should rule on the jurisdictional matters they plan to raise in their motions to dismiss before considering the merits of Plaintiffs' claims. While the Court would ordinarily reach preliminary jurisdictional challenges before considering the merits of Plaintiffs' claims, the impending September 1 deadline makes this impossible here and the briefing on the motions to dismiss, motion for summary judgment, and motion to certify class will thus occur simultaneously. As such, Defendants' motion to stay consideration of Plaintiffs' motion for summary judgment and motion to certify class, (Dkt. 39), is **DENIED**.

Defendants also raised their concern that the need for factual discovery may impede their ability to respond to the pending motions for summary judgment and to certify class. To the extent Defendants believe that the record must be developed through factual discovery before a ruling may be issued on these motions, the Court will consider these arguments in Defendants' responses to the motions. In the meantime, Defendants' motion to stay, (Dkt. 39), is **DENIED**.

Accordingly, the Court issues the following briefing schedule:

1. Defendants' shall file all motions to dismiss on or before August 6, 2021 at 5 p.m. All responses to the motions to dismiss shall be filed on or before August 11, 2021 at 5 p.m. Any replies shall be filed on or before August 13, 2021.
2. Defendants shall respond to Plaintiffs' motion for summary judgment, (Dkt. 19), on or before August 11, 2021 at noon. Any replies shall be filed on or before August 13, 2021.
3. Defendants shall respond to Plaintiffs' motion to certify class, (Dkt. 32), on or before August 11, 2021 at noon. Any replies shall be filed on or before August 13, 2021.

As the Court informed the parties at the status conference, requests for extensions of deadlines are inappropriate at this time. As such, Defendant Penny Clarkston's request for an extension of time to file responsive pleadings, (Dkt. 42), is **DENIED**. The parties must adhere to the deadlines set above, and no further extension requests will be entertained by the Court.

SIGNED on August 4, 2021.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE